

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KEITH LEARIE ALLEN,

Petitioner,

v.

//

CIVIL ACTION NO. 1:10cv28
(Judge Keeley)

JOEL J. ZIEGLER,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 4) AND DISMISSING
CASE WITH PREJUDICE

Pending before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge James E. Seibert. The R&R recommends that this case under 28 U.S.C. § 2241 be dismissed with prejudice. The R&R also specifically warns that failure to object to the magistrate judge's recommendations within fourteen days of receiving service constitutes a waiver of appellate rights on the issues presented. The pro se petitioner, Keith Learie Allen, received service of the R&R on February 22, 2010, and has not filed any objections to the R&R.

Therefore, the Court **ADOPTS** the R&R (dkt. 4) in its entirety, **DENIES** the petition, and **DISMISSES** this case **WITH PREJUDICE**.

It is so **ORDERED**.

The Court directs the Clerk to transmit a copy of this order to counsel of record and to the pro se petitioner via certified mail, return receipt requested.

Dated: April 15, 2010.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE